

IN DISTRICT COURT OF THE VIRGIN ISLANDS

DIVISION OF ST. THOMAS & ST. JOHN

MICHAEL MOTYLINSKI,

PLAINTIFF,

V.

**RYAN C. MEADE AND QUINTAIROS,
PREITO, WOOD & BOYER, P.A.**

DEFENDANT.

CASE NO. 3:22-CV-00028

**DEFENDANT RYAN MEADE’S MOTION TO RECONSIDER
ORDER ENTERED ON OCTOBER 18, 2023 (DOC. NO. 66)**

Defendant Ryan Meade moves to reconsider this Court’s Order of October 18, 2023 (Doc. No. 16) in order to correct clear error. The Court’s Order establishes a deadline for conducting jurisdictional discovery and refile the plaintiff’s motion to remand. However, Magistrate Judge Miller previously set a deadline for conducting jurisdictional discovery and for plaintiff to supplement his motion to remand. *See* Doc. No. 35. The parties complied with those deadlines (as modified by subsequent orders) and plaintiff filed his supplemental memorandum in support of jurisdiction on September 12, 2022. *See* Doc. No. 46. Meade files this motion pursuant to LRCi 7.3(a)(3) (“the need to correct clear error”), because it appears the Court was not aware that jurisdictional discovery had already been authorized and conducted; and that a supplemental memorandum was filed.

A party may file a motion asking this Court to reconsider its order or decision. Reconsideration is appropriate when there is an (1) an intervening change in controlling law; (2) the availability of new evidence; or (3) the need to correct clear error or prevent manifest injustice. LRCi. 7.3(a). “Clear error” in the context of a motion to reconsider exists if the Court is left with a definite and firm conviction that a mistake has been committed. *Simon v. Mullgrav*, No. CV 2017-0007, 2021 WL 4005585, at *3 (D.V.I. Sept. 1, 2021). “A motion for reconsideration should address only factual and legal matters that the Court may have overlooked.” *Charleswell v. Chase Manhattan Bank, N.A.*, 277 F.R.D. 277, 281 (D.V.I. 2011) (internal quotations omitted).

Here, the Court appears to have overlooked both the Case Management Order that already set a deadline for jurisdictional discovery and the plaintiff’s supplemental argument in support of the motion to remand that was based upon that additional discovery. Meade submits this is clear error and respectfully submits that the Court should vacate the October 18, 2023 Order granting jurisdictional discovery and proceed to address the fully-addressed motion to remand.

CERTIFICATION OF COUNSEL

Pursuant to LRCi 7.3(c), I express a belief, based on a reasoned and studied professional judgment, that the grounds for reconsideration set forth above are present in this case.

Respectfully submitted,

Andrew C. Simpson P.C.

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/s/ Andrew C. Simpson
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